

Criminal No. 7:08-CR-136-BR-1
Civil No. 7:11-CV-20-BR

DANIEL ADAM ROOKS)
 Petitioner,)
)
 v.) O R D E R
)
 UNITED STATES OF AMERICA,)
 Respondent.)

This matter is before the court on the government's motion for new judgment, which the government filed in response to the court's 3 February 2011 order. By that order, the court directed the government to file an answer or other response to petitioner's 28 U.S.C. § 2255 motion. To enable petitioner to file a notice of appeal (which he claims that he directed trial counsel to do), the government requests that the court re-enter petitioner's judgment. Defendant filed a response to the government's motion, indicating that he consents to the motion.

The government's motion is **ALLOWED**, and the Clerk is **DIRECTED** to vacate the judgment entered 8 January 2010. Contemporaneously herewith the Clerk is **DIRECTED** to re-enter that judgment for the purpose of allowing the filing of a timely notice of appeal. The Clerk is **DIRECTED** to file a notice of appeal on petitioner's behalf. The 28 U.S.C. § 2255 motion is **DISMISSED WITHOUT PREJUDICE** as it is moot. Petitioner's motion for an extension of time to file his § 2255 motion is **DENIED** as moot.

This 11 April 2011.

Paul R. Smith

W. Earl Britt
Senior U.S. District Judge